

REMARKS/ARGUMENTS

Claims 1-14 are pending. In the outstanding Official Action, Claims 1-4, 6-11, 13, and 14 were rejected under 35 USC 103(a) as being unpatentable over USP 5,699,121 to Zakhor et al. in view of U.S. patent publication No. 2004/0131268 to Sekiguchi et al.; and Claims 5 and 12 were rejected under 35 USC 103(a) as being unpatentable over Zakhor et al. in view of Sekiguchi et al. and USP 5,805,737 to Abe.

Sekiguchi et al. qualifies as prior art against the instant application only under 35 U.S.C. 102(e). Further, Sekiguchi et al. and the claimed invention of the instant application were, at the time the claimed invention was made, owned by NTT DoCoMo, Inc. or subject to an obligation of assignment to NTT DoCoMo, Inc. Consequently, pursuant to 35 U.S.C. 103(c), Sekiguchi et al. cannot be applied against Applicants' claims under 35 U.S.C 103(a).

An early and favorable action is respectfully requested.

Respectfully submitted,

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